

(SPACE BELOW FOR FILING STAMP)

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FILED
BUSINESS
DIVISION

OCT 19 2 24 PM '76
ROBERT D. ZUNWALT
CLERK, SAN DIEGO CO.
CALIFORNIA

Attorneys for Defendants

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

OCT-19 447512 384590 2 - C 40 9450

PAUL SAMUEL SHEPHERD,

Plaintiff,

v.

DENNIS PARTEE, JAMES PIERCE,
GARY GARRISON and CINEMATRONICS, INC.,
a California corporation, and
DOES I through V, inclusive,

Defendants.

NO. 384590

ANSWER TO COMPLAINT

Defendants, DENNIS PARTEE, JAMES PIERCE, GARY GARRISON,
individually, and CINEMATRONICS, INC., a California corporation,
severing themselves from their remaining co-defendants and answer
the Complaint on file herein as follows:

ANSWER TO FIRST CAUSE OF ACTION

I

Answering the allegations of Paragraphs I and III, these
answering defendants lack sufficient information or belief upon
which to base an intelligible answer thereto, upon such ground
deny generally and specifically each and every allegation contained
in said paragraphs.

.....

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II

Answering the allegations of Paragraphs IV, V, VI and VII, these answering defendants deny generally and specifically each and every allegation contained therein.

III

Answering the allegations of Paragraph VIII, these answering defendants deny the same generally and specifically, and further specifically deny that the plaintiff was damaged in the sum or sums alleged, or in any other sum whatsoever, or at all.

ANSWER TO SECOND CAUSE OF ACTION

I

Answering Paragraph I of the Second Cause of Action, these answering defendants incorporate herein their answers to Paragraphs I, II, and III of the First Cause of Action, and by reference make said answer a part hereof as though fully set forth herein.

II

Answering the allegations in Paragraph II of the Second Cause of Action, these answering defendants admit that sometime in early 1975, the plaintiff and JAMES PIERCE discussed plaintiff's services in design and manufacturing certain types of electronic video games; As to each and every allegation not otherwise expressly admitted, these answering defendants deny the same generally and specifically.

III

Answering the allegations of Paragraph III of the Second Cause of Action, these answering defendants admit that plaintiff and defendants met in the office of their then attorney to discuss

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1 matters related to the corporation and business; Except as to the
2 matters specifically admitted, these answering defendants deny
3 generally and specifically, each and every other allegation
4 contained in Paragraph III of the Second Cause of Action.

5 IV

6 Answering the allegations of Paragraphs IV, V, VI, these
7 answering defendants deny generally and specifically, each and
8 every allegation contained therein.

9 V

10 Answering the allegations of Paragraph VII of the Second
11 Cause of Action, these answering defendants deny the same
12 generally and specifically and further specifically deny that
13 plaintiff was damaged in the sum or sums alleged or in any other
14 sums whatsoever.

15 ANSWER TO THIRD CAUSE OF ACTION

16 I

17 Answering the allegations of Paragraph I of the Third Cause
18 of Action, these answering defendants incorporate herein their
19 answers to Paragraphs I, II, and III of the First Cause of Action
20 by reference make said answer a part hereof as though fully set
21 forth herein.

22 II

23 Answering the allegations of Paragraph III of the Third
24 Cause of Action, these answering defendants admit that
25 JAMES PIERCE, GARY GARRISON, and DENNIS PARTEE were incorporators
26 for a business to become known as CINEMATRONICS, INC., a
27 California corporation. These answering defendants also admit
28 that up until his termination on or about August 17, 1975, the

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1 plaintiff was an officer in that corporation; As to each and every
2 other allegation not otherwise expressly admitted, these answering
3 defendants deny the same generally and specifically.

4 III

5 Answering the allegations of Paragraphs IV and V, these
6 answering defendants deny the same generally and specifically
7 and further specifically deny that the plaintiff was damaged
8 in the sum or sums alleged or any sums whatsoever or at all.

9 IV

10 Answering the allegations of Paragraph VI, these answering
11 defendants deny the same generally and specifically.

12 AS AND FOR A FIRST, SEPARATE AND AFFIRMATIVE DEFENSE,
13 THESE ANSWERING DEFENDANTS ALLEGE AS FOLLOWS:

14 That the plaintiff, in his Complaint on file herein does
15 not state facts sufficient to constitute a cause of action against
16 these answering defendants.

17 WHEREFORE, these answering defendants pray that plaintiff
18 take nothing by his Complaint, that they recover their costs of
19 suit incurred herein, and for such other and further relief as
20 the court deems just and proper.

21 DATED: October 18, 1976

HOLT, RHOADES AND HOLLYWOOD

22
23 By: Thomas H. Ault
24 THOMAS H. AULT
Attorneys for Defendants
25
26
27
28

FILED
BUSINESS
DIVISION

OCT 19 2 25 PM '76
ROBERT D. ZUMWALT
CLERK, SAN DIEGO CO.
CALIFORNIA

CASE NUMBER: 384590

ATTORNEY:

HOLT, RHOADES and HOLLYWOOD
1010 Second Ave., Suite 1712
San Diego, California 92101

DECLARATION OF SERVICE BY MAIL (C.C.P. 1013a and 2015.5)

I, the undersigned, say: I am over 18 years of age, employed in
(Resident/Employed)
the County of San Diego, California, in which county the within-
mentioned mailing occurred, and not a party to the subject cause. My business
(Business/Residence)
address is 1010 Second Ave., Suite 1712, San Diego, California 92101.
(No., Street) (City, State)
I served the ANSWER TO COMPLAINT

of which a true and correct copy of the document filed in the cause is affixed, by placing a copy thereof in a separate envelope for each addressee named hereafter, addressed to each such addressee respectively as follows:

Mr. James E. Clark
Attorney at Law
3960 Park Boulevard
San Diego, CA 92103

Each envelope was then sealed and with the postage thereon fully prepaid deposited in the
United States mail by me at San Diego, California, on
(City)
October 18, 1976

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 18, 1976, at San Diego
(Place)
California.

Juliee Tiffany (Signature)

PROOF OF SERVICE BY MAIL

ATTACH ORIGINAL OR TRUE COPY

VERIFICATION BY PARTY (446, 2015.5 C. C. P.)

STATE OF CALIFORNIA, COUNTY OF

I am the defendant

in the above entitled action; I have read the foregoing Answer to Complaint

and know the contents thereof; and I certify that the same is true of my own knowledge, except as to those matters which are therein stated upon my information or belief, and as to those matters I believe it to be true.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on October 14, 1976 at San Diego, California
(date) (place)

James Pierce
JAMES PIERCE Signature

PROOF OF SERVICE BY MAIL (1013a, 2015.5 C. C. P.)

STATE OF CALIFORNIA, COUNTY OF

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my business address is:

1010 Second Avenue, Suite 1712, San Diego, CA

On October 18, 1976, I served the within Answer to Complaint

on the parties
in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the
United States mail at San Diego, CA
addressed as follows:

Mr. James E. Clark
Attorney at Law
3960 Park Boulevard
San Diego, CA 92103

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on October 18, 1976 at San Diego, California
(date) (place)

Julie Tiffany
Julie Tiffany Signature